

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

Plaintiff,

-v-

\$20,360 UNITED STATES CURRENCY AND
ONE 2003 TOYOTA SEQUOIA, SILVER IN COLOR, 05-CV-00457A(F)
VIN: 5TDBT48A63S144366, TITLED AND
REGISTERED TO JUAN BENITEZ,

Defendants.

JUDGMENT OF DEFAULT AND ORDER OF FORFEITURE

The plaintiff, the United States of America, has moved for a Judgment of Default, pursuant to Federal Rules of Civil Procedure 55(b)(2), and for an Order of Forfeiture. After reviewing the affidavit of William J. Knapp, Assistant United States Attorney, dated September 22, 2005, and it appearing that no individual or entity has filed a Verified Statement of Interest/Claim and Answer with respect to the above captioned defendant currency and defendant vehicle as required by the Summons that was served upon them, as provided by Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and it appearing that an Entry of Default against the defendant currency and defendant vehicle have been entered in this action by the Clerk of the Court; and it appearing that no motions seeking permission to file late claims have been filed; and it appearing that no objections to the motion for default have been entered by any party; and that the plaintiff

is entitled to have a Judgment by Default entered; it is hereby

ORDERED, that a Judgment of Default be entered against \$20,360 United States currency and one 2003 Toyota Sequoia, silver in color, VIN: 5TDBT48A63S144366, titled and registered to Juan Benitez (hereinafter referred to as "defendant currency" and "defendant vehicle," respectively); and it is further

ORDERED, that the defendant currency and defendant vehicle referred to above be and hereby are forfeited to the United States of America, pursuant to the provisions of Title 31, United States Code, Sections 5317(c) and 5332(c)(1) for violations of Title 31, United States Code, Sections 5316 (a) and 5332(a)(1); Title 21, United States Code, Sections 881(a)(4) and (6) for violations of Title 21, United States Code, Sections 841 and 844; and Title 22, United States Code, Section 401, and are to be disposed of by the Department of Homeland Security/United States Customs and Border Protection according to law; and it is further

ORDERED, that all claims and interests in the defendant

currency and defendant vehicle, other than as reflected in this Order are forever forfeited, closed, and barred.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 4 , 2005